

APR 28 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Springer *et al.*

Appl. No. 09/722,495

Filed: November 28, 2000

For: **Analogs of Human Basic
Fibroblast Growth Factor
Mutated at One or More of the
Positions Glutamate 89, Aspartate
101 or Leucine 137**

Confirmation No. 5579

Art Unit: 1647

Examiner: Saoud, C. J.

Atty. Docket: 1503.0220002/JAG/THN

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JUL 15 2003

OFFICE OF PETITIONS

**Notice of Appeal From the Examiner to the Board
of Patent Appeals and Interferences - Small Entity**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the final decision of the Examiner dated **November 5, 2003**, in which claims 1-8, 17-38, 40, 48, and 49 were finally rejected. The fee (for a qualified small entity) for filing a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (37 C.F.R. § 1.17(b)), along with any necessary extension fees (37 C.F.R. § 1.17(a)), is included in our PTO-2038 Credit Card Payment Form. In the event that extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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Date 4/28/03

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